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UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Prodromos Pericles Stephanos) Date: May 6, 2004
Application No. 09/756,597) Group Art Unit: 1714
Filed: January 5, 2001) Examiner: Cephia Toomer
<u>For: Lighter Fluid Composition</u>) Attorney Ref. No.: 130.01

Reply to Office Action with Amendment

The applicant, Prodromos Pericles Stephanos, respectfully responds to the office action issued on February 23, 2004 with the following remarks and amendments.

Remarks

This application should now be allowed because the claims have been "closed," so that they exclude the addition of substantial components besides those expressly listed. More specifically, the claims now exclude the addition of a second thickening agent, which is a central component of the Wesley patent (US Pat. No. 5,773,706), upon which the current rejection relies. The present composition only relies a single polymeric thickening agent, while Wesley relies on both a polymer thickening agent and auxiliary rheological additives. In a recent telephonic interview, the examiner indicated that changing certain claims from open to closed would result in allowance, and the applicant has now done so, and respectfully requests a prompt Notice of Allowance.

Background

The patent examiner had rejected the claims of the present application based on the combination of two references: the Wilkins patent (US Pat. No. 5,501,713) and the Wesley patent (US Pat. No. 5,773,706). Broadly speaking, the examiner found that Wilkins disclosed terpene-based fuels, including lighter fluids, and Wesley discloses the use of thickening agents.

In response to these rejections, the applicant presented evidence showing that (i) there is no evidence that Wesley's gelling method could be used to create the applicant's composition, (ii) Wilkins uses alcohols with 3-6 carbon atoms, while the applicant uses non-homologous short-chain alcohols, (iii) Wilkins is a single-phase, clear solution, while the present invention is a gelled emulsion, and (iv) there are strong objective